

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	04 C 3287	DATE	9/16/2004
CASE TITLE	LOIS JONES vs. MARIAM HARRISON		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

MEMORANDUM OPINION AND ORDER

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion And Order. Plaintiff's motion to vacate is denied.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	LG courtroom deputy's initials	U.S. DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS 010 PM 01 SEP 2004	number of notices	Document Number 13
			SEP 17 2004 date docketed	
			UW docketing deputy initials	
			SEP 17 2004 date mailed notice	
			mailing deputy initials	
		Date/time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LOIS JONES,

Plaintiff,

vs.

MARIAM HARRISON,

Defendant.

No: 04 C 3287

DOCKETED

SEP 17 2004

MEMORANDUM OPINION AND ORDER

Plaintiff Lois Jones has filed yet another motion requesting the court vacate its order denying her petition to proceed *in forma pauperis* against defendant Cook County Probate Judge Mariam Harrison for civil rights violations, slander and conspiracy. Plaintiff has fashioned the filing a "Motion to Vacate UNDER RULE 2-1401 Order entered on May 13, 2004." This motion follows a prior motion to reconsider and motion to vacate, both of which we denied. We assume plaintiff's reference to "Rule 2-1401" invokes the Illinois statute on relief from judgments, 735 ILCS 5/2-1401. Though that statute has no bearing, we set aside the procedural defects in plaintiff's motion (as we did in our previous memorandum opinion and order) and deny it on substantive grounds. Plaintiff has not presented any new arguments to support vacation of our ruling.¹

As we explained in our Memorandum Opinion and Orders dated May 13, 2004; May 27, 2004; and August 6, 2004, even if plaintiff's allegations are accepted as true, Judge


¹However, plaintiff does for the first time allege that this court is involved in the torture of her son behind closed doors.

13

Harrison is immune from liability for conversations with guardian *ad litem* Ellen Douglas, if not because they were performed within her jurisdiction and in a judicial capacity, *see Alexander v. Reid*, 2003 WL 1733648 at *2 (N.D. Ill. 2003); *Offutt v. Kaplan*, 884 F. Supp. 1179 (N.D. Ill. 1995), then because they were made to a guardian *ad litem*, an arm of the court, "preliminary to judicial or quasi-judicial proceedings." *Parrillo, Weiss & Moss v. Cahion*, 181 Ill. App. 3d 920, 928, 537 N.E.2d 851 (1989).

CONCLUSION

For the foregoing reasons, plaintiff's motion to vacate is denied.


JAMES B. MORAN
Senior Judge, U. S. District Court

Sept. 16, 2004.